



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2010 REGULAR SESSION

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HOUSE BILL NO. 44

AS ENACTED

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MONDAY, MARCH 29, 2010

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RECEIVED AND FILED  
DATE April 8, 2010  
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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adles

AN ACT relating to mold remediation standards.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1        ➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO  
2 READ AS FOLLOWS:

3        *The General Assembly hereby finds that it is necessary to the health and welfare of the*  
4        *citizens of Kentucky that there be maintained, now and in the future, reasonable*  
5        *standards for the remediation of mold in private and public settings. It is therefore in*  
6        *the best interests of the citizens of the Commonwealth of Kentucky to establish*  
7        *standards for providers of mold remediation services in Kentucky.*

8        ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO  
9 READ AS FOLLOWS:

10        *As used in Sections 1 to 4 of this Act:*

11        *(1) "Customer" means any person who contracts for services with a mold*  
12        *remediation company for the purposes of mold remediation;*

13        *(2) "Department" means the Department of Law;*

14        *(3) "Mold" means any living or dead fungi or related products or parts, including*  
15        *spores, hyphae, and mycotoxins;*

16        *(4) "Mold remediation" means the removal, cleaning, sanitizing, demolition, or*  
17        *other treatment, including preventative activities, of mold or mold-contaminated*  
18        *matter, live or dead, that was not intended to be grown, or purposely grown, at*  
19        *that location; and*

20        *(5) "Mold remediation company" means an entity that performs mold remediation*  
21        *for compensation.*

22        ➔ SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO  
23 READ AS FOLLOWS:

24        *(1) The department shall, after consultation with the Environmental and Public*  
25        *Protection Cabinet and the Department for Public Health, establish minimum*

standards for mold remediation companies that operate in the Commonwealth.  
The minimum standards shall be based on the five (5) general principles of mold  
remediation created by the Institute of Inspection, Cleaning and Restoration  
Certification (IICRC) in its publication, IICRC S520, Second Edition, Standard  
and Reference Guide for Professional Mold Remediation, or its successor  
publication. The five (5) general principles of mold remediation are as follows:

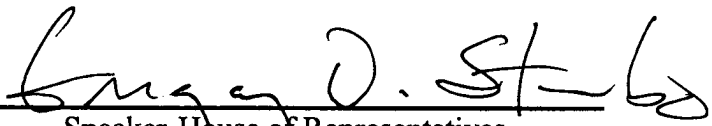
- (a) Safety and health;
- (b) Project documentation;
- (c) Contaminant control;
- (d) Contaminant removal; and
- (e) Contamination prevention.

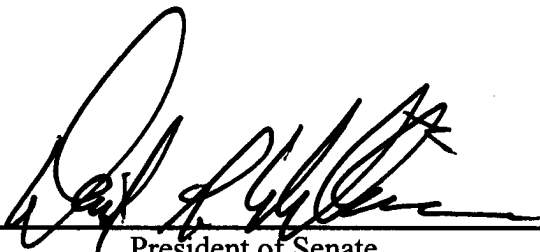
All mold remediation companies operating in the Commonwealth shall adhere to  
the minimum standards established by the department.

- (2) Any customer complaints regarding adherence by mold remediation companies to  
the administrative regulations promulgated under this section shall be directed to  
the Attorney General.

→SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO  
 READ AS FOLLOWS:

- (1) The Attorney General shall have jurisdiction to enforce Sections 1 to 4 of this  
Act, and may recover the reasonable costs of investigation and litigation.
- (2) If an act by a mold remediation company violates any provision of this chapter,  
the Attorney General may take civil action and seek any remedy provided in this  
chapter, including the recovery of the reasonable costs of investigation and  
litigation.

  
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Speaker-House of Representatives

  
\_\_\_\_\_  
President of Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date   
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